



भारत का राजपत्र The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 25]

नई दिल्ली, शुक्रवार, जुलाई 29, 1977/श्रावण 7, 1899

No. 25]

NEW DELHI, FRIDAY, JULY 29, 1977/SRAVANA 7, 1899

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 29th July, 1977:—

BILL NO. 38 OF 1977

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution Amendment Act, 1977.

(2) It shall come into force at once.

2. In article 324 of the Constitution,—

(a) for clause (2), the following clauses shall be substituted, namely:—

“(2) The Election Commission shall consist of the Chief Election Commissioner and two Election Commissioners, whose appointment shall be made by the President on the recommendation of both Houses of Parliament by a majority of the total membership of each House and by a majority of not less than two-thirds of the members present and voting.

Short
title
and com-
mence-
ment.

Amend-
ment of
article
324.

(2A) Persons who are Government officials or retired Government officials shall be ineligible to be appointed as Chief Election Commissioner or Election Commissioners.

(2B) There shall be constituted an Advisory Council by the Parliament to be associated with the work of the Election Commission, consisting of the representatives of the recognised all India political parties, for assisting the Election Commission and also for reviewing the functioning of the electoral system.

(2C) There shall be constituted Advisory Councils by the State Legislatures to be associated with the work of the Election Commission, consisting of the representatives of the recognised political parties in the States, for assisting the Election Commission and also for reviewing the functioning of the electoral system”.

(b) in clause (3), the words “when any other Election Commissioner is so appointed” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

There is a widespread feeling among the people that the Election Commission should be democratised and its impartiality be strengthened. The one-man Election Commission, as it is today, has developed into an institution which hardly reflects the democratic sentiment and consciousness of Indian people. It is today vulnerable to undemocratic methods and authoritarianism. It functions in such a manner that the political parties find it sometimes, not responsible to reason and democratic demands.

It happened very often that the Chief Election Commissioners were appointed from among the retired I.C.S. or I.A.S. personnel. These persons with their complete disregard and contempt for political parties and politicians, have contributed largely to the growth of bureaucratic practices and authoritarianism. There were occasions when these people even acted in questionable manner in regard to the impartiality of the Commission. In the recent elections once again this problem has been posed very sharply.

In a democracy like that of India, the political parties play a very vital role in practising and strengthening democracy. No one should be permitted to overlook or ignore this fact.

That is why this Bill seeks to amend the Constitution in such a manner that the composition of the Election Commission and the selection of personnel would ensure a better and democratic framework in future. The Bill also envisages the formation of an Advisory Council at the Centre and State Advisory Councils, consisting of representatives of recognised political parties. This would make the Election Commission more accountable to people. It would also add to the credibility of the Election Commission itself.

Hence this Bill.

NEW DELHI;

C. K. CHANDRAPPA.

The 1st April, 1977.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for a three-member Election Commission and an Advisory Council to be constituted by Parliament for assisting the Election Commission. The proposed increase in the membership of the Election Commission and setting up of the Advisory Council is likely to involve a recurring expenditure of about Rupees two lakhs per annum from the Consolidated Fund of India in the shape of emoluments to be paid to the Chief Election Commissioner and other Election Commissioners and their personal staff and honorarium etc. to the members of the Advisory Council. No non-recurring expenditure is likely to be involved.

BILL No. 27 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.

Short
title.

2. In article 16 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

Amend-
ment of
article
16.

“(1A) There shall be equality of pay for equal work both for men and women in all spheres of work.”

STATEMENT OF OBJECTS AND REASONS

Explaining the objectives of the Directive Principles of State Policy, article 37 of our Constitution says that the principles laid down in that Chapter should be considered "fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws".

Nearly three decades have passed since the Constitution was adopted. Still, the inequality between man and woman, in the sphere of wage for equal work, remains as before. If it is left to itself there is hardly any hope that the situation will change in future. The average level of the consciousness of our common people has reached to that point that it will sympathise with this principle and support if statutory provisions are made for the implementation of it.

The Constitution should not lag behind the consciousness of the people. It should express their feelings and aspirations. Hence this Bill for providing equality for men and women and for ensuring them equal pay for equal work.

C. K. CHANDRAPPA

NEW DELHI;
The 31st March, 1977.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for equal pay for equal work for men and women in all spheres of work.

It is estimated that this will entail an annual expenditure of Rs. 15 crores from the Consolidated Fund of India.

No non-recurring expenditure is involved. Expenditure in respect of the private sector will be borne by the private employers.

BILL NO. 37 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force within six months after it is enacted by Parliament.

Amend-
ment of
Article
326.

2. In article 326 of the Constitution, for the words "twenty-one" the word "eighteen" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The framers of our Constitution were very much influenced by an old idea that the younger generation should be kept aloof from the affairs of the country. Therefore they were not given the right to vote and voting age was kept as high as twenty-one.

But now we are living in a different world altogether. The situation among the young has changed basically in the post-war world with an unprecedented expansion of the media of mass communication, rapid spread of literacy and a tremendous explosion of knowledge. It has created a new political awareness and consciousness among the young people and they are today demanding their legitimate say in the affairs of the state. It has been conceded by many countries and the general trend is to accept their right.

From the very beginning, the socialist countries granted the youth the right to vote at eighteen and in certain countries they were allowed to vote at even sixteen. During the last few years countries like England, Ceylon, Bangladesh, USA, France etc. also had reduced the voting age to eighteen.

It is paradoxical that in India while the law permits the young to choose a partner in life at the age of eighteen, the Constitution does not permit them to vote. It is the need of the hour that we fall in line with the growing trend of extending more political rights to the youth.

This Bill, therefore, seeks to remedy this by reducing the voting age to eighteen. It would also give our youth a new sense of involvement, participation and responsibility.

NEW DELHI;

C. K. CHANDRAPPAN,

The 31st March, 1977.

FINANCIAL MEMORANDUM

The Bill proposes to make the young people, between the age of 18 to 21 years, vote for the election to the House of the People and the Legislative Assemblies of the States (Clause 2). It would require additional financial commitments for the preparation of additional electoral rolls, etc. Though it may not be possible to estimate the exact amount required for this purpose, it may not exceed an additional recurring expenditure of Rs. 25 lakhs a year from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred,

BILL No. 42 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.

Short
title

2. In article 81 of the Constitution,—

Amend-
ment of
article
81.

(i) for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—

“(a) members chosen by direct election, one from each territorial constituency, having not more than five lakhs of voters, in the States, and”;

(ii) in sub-clause (b) of clause (1), for the words “twenty members”, the words “forty members” shall be substituted;

(iii) sub-clauses (2) and (3) shall be omitted.

3. In article 82 of the Constitution, the words “the allocation of seats in the House of the People to the States and” and “and in such manner” shall be omitted.

Amend-
ment of
article
82.

STATEMENT OF OBJECTS AND REASONS

It is necessary to have a larger House of the People so that it would genuinely reflect in itself the aspirations of the people, their will and mood. A larger House of the People would undoubtedly enhance the authority of Parliament, as it would be closer to people. One of the essential factors which would ensure success for a healthy Parliamentary democracy is close contact between the electors and the elected. In order to ensure this, it is necessary to increase the numerical strength of the House of the People.

But the unfortunate tendency today is to limit the number of seats in the House of the People and thus make every Parliamentary constituency so unwieldy with larger number of voters that it only helps to further alienate the members from their electorate and contributes to the weakening of Parliamentary democracy. This tendency has found its dangerous expression in the Forty-second Amendment of the Constitution where it has been stipulated to freeze the size of Parliament upto 2000 AD, whatever be the population in India.

This Bill provides for a larger House of the People by providing one seat for every five lakhs of voters and more representation to Union territories.

NEW DELHI;

C. K. CHANDRAPPA.

The 1st April, 1977.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 81 of the Constitution with a view to provide for a larger House of the People by way of having one seat from each territorial constituency having not more than five lakhs of voters, and increasing the upper limit for Union Territories from 20 to 40. By means of the proposed amendment the number of seats in the House of the People will vary with each census. It is estimated that the Bill, if enacted, would involve a recurring expenditure of about rupees fifteen to twenty lakhs only per annum on account of payment of salary, T.A., D.A., telephone facilities, etc. to the additional members when they are elected. Non-recurring expenditure of rupees five lakhs approximately will also be involved for additions and alterations in the existing seating arrangements in the Lok Sabha Chamber.

BILL NO. 33 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1977.

Substi-
tution of
article 16.

2. For article 16 of the Constitution, the following article shall be substituted, namely:—

Protec-
tion
for back-
ward
class and
region.

“16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, subject to the principles set out in clause (3) of this article.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the State except on the basis set out in clause (3) of this article.

(3) (a) In making appointments to services, including Class 1, II, III, IV, and posts, gazetted or non-gazetted, under the Union or a State, 60 per cent of these appointments shall be made from among

the backward class of citizens on the basis of competition confined to the members of this class and the remaining 40 per cent of the posts shall be filled up on the basis of competition open to all, including the members of the backward class:

Provided that in all future appointments to these posts and services under the Union or the State, the share of the Scheduled Castes and Scheduled Tribes shall be at least proportionate to their percentage in the population of the Union or of a State, as the case may be, at the previous census;

(b) for the purposes of this article the words "backward class" shall include—

(i) Scheduled Castes and Scheduled Tribes;

(ii) male members of the non-dwija castes of the Hindu society;

(iii) Muslim, Christians and other religious minorities and, especially, their backward sections; and

(iv) women;

Provided that such members of categories (i), (ii), (iii) and (iv) as own a property of rupees five lakh or more and/or have an annual income of rupees twenty-five thousand or more shall be excluded from the term "backward class";

(c) the provisions in sub-clauses (a) and (b) shall remain in operation for a period of forty years from the date of coming into force of these provisions;

(d) nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union Territory, any requirement as to residence within that State or a generally recognised backward region within that State prior to such employment or appointment;

(e) the provision in sub-clause (d) above shall remain in operation for a period of twenty years from the date of coming into force of this provision;

(f) nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination;

(g) failure to implement clause (3) of this article shall be punishable by law to be passed by Parliament in this respect."

3. In article 320 of the Constitution, in clause (4), for the words and figures "(4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335", the words and figures "(3) of article 16 may be made" shall be substituted.

4. Article 335 of the Constitution shall be omitted.

Amendment of article 320.

Omission of article 335.

STATEMENT OF OBJECTS AND REASONS

The struggle against inequality in the caste-ridden India must have a social dimension also. The inequitable feudal-capitalist order can be overthrown successfully only if the struggle for economic equality is coupled with the struggle for social equality.

The concepts of equality and equal opportunity are not synonymous. In a society characterised by a hierarchical structure based on birth, the principle of equal opportunity cannot produce an egalitarian society. The established conventional notions about merit and ability must result in a denial of opportunities for backward castes, Harijans, adivasis, women, etc. The principle of preferential opportunities and reservation alone will ensure that the backward sections catch up with the advanced ones in a reasonable period of time.

This Bill seeks to recast article 16 of the Constitution in order to achieve more effectively the objective of social equality. It defines backwardness primarily in social terms, but the economic proviso is a guarantee that the special opportunities for the backward sections will not be exploited by the rich and the influential from among these sections.

This constitutional amendment also provides special reservation for the Harijans and adivasis which are among the most suppressed sections of our society, as also reservation for backward regions within a State. Since the existing article 16 does not take into account the fact of regional backwardness and disparity, it makes it difficult for the State to satisfy legitimate regional aspirations without breaking up the States. The present arrangement thus puts a premium on regional separatism. This amendment seeks to remove this built-in bias in favour of disunity.

NEW DELHI;
The 18th April, 1977.

MADHU LIMAYE,

BILL No. 29 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

- | | |
|---|-------------------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1977. | Short
title |
| 2. In article 37 of the Constitution, after the words "this Part", the words "except those contained in articles 45 and 47" shall be inserted. | Amend-
ment of
article
37. |
| 3. In article 45 of the Constitution, for the words "The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution," the words "It shall be the duty of the State to provide, with effect from 26th January, 1979," shall be substituted. | Amend-
ment of
article
45. |

Substitu-
tion of
article
47.

4. For article 47 of the Constitution, the following article shall be substituted, namely:—

Duty of
the State
to ensure
minimum
standard
of nutri-
tion and
to prevent
untimely
deaths
due to
mal-nutri-
tion, etc.

“47. It shall be the duty of the State to ensure to every citizen a minimum standard of nutrition and, in particular, to prevent untimely deaths resulting from mal-nutrition, under-nourishment or starvation.”

STATEMENT OF OBJECTS AND REASONS

The late Gopal Krishna Gokhale sponsored a resolution and a Bill on free and compulsory primary education by stages as far back as the first decade of this century. Since then provision of free schooling for children has been a principal objective of the freedom movement in India. This cherished ideal of our independence movement found expression in article 45 of the Constitution relating to Directive Principles of State Policy. The Constitution-makers had then expressed the hope that the ideal of free and compulsory schooling for children will be realized within 10 years after the commencement of the Constitution. It is now more than 23 years after the Constitution came into force and yet, in large parts of the country, free and compulsory primary education remains an unrealized dream. The State Governments are displaying utter indifference and callousness in implementing a principle basic to all civilized communities. In India's biggest city, Calcutta, nearly 50 per cent of the children below the age of 14 are going without any schooling whatsoever and the State and the Municipal Corporation have so far done nothing in the matter. In other areas too, the position is far from being satisfactory.

Unless the citizens of this country are given legal and constitutional remedy and unless the courts are empowered to enforce free and compulsory education and performance by the State of its duty to feed the people, these ideals will never be realised. In large parts of the country, hunger and starvation is taking a heavy toll of human life. In scarcity areas the distress is very acute. The authorities adopt a callous attitude towards these cases. To these hapless people, the slogan *garibi hatao* is a mockery.

This Bill, therefore, seeks to fix this responsibility squarely on the State and make provisions relating to primary education and the basic necessity of human life, namely, minimum nutrition, justiciable.

NEW DELHI;

MADHU LIMAYE.

The 18th April, 1977.

FINANCIAL MEMORANDUM

The amount involved in the proposed measure would be large and for obvious reasons, cannot be calculated with any precision at this stage. But it would be in the neighbourhood of a few billion rupees for ~~en-~~forcement of free primary education provided for in clause 3 of the **Bill**.

BILL No. 30 OF 1977

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

Short
title,
and
commen-
cement,

(2) It shall come into force at once.

2. In article 24 of the Constitution, the following shall be added at the end, namely:—

Amend-
ment of
article 24.

“and no person above the age of twenty-one years who is willing to work shall be denied the right to work or right to gainful employment or subsistence allowance in lieu thereof.”.

3. In article 326 of the Constitution, for the word “twenty-one”, the word “eighteen” shall be substituted.

Amend-
ment of
article
326,

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to remove the discrimination, disabilities and oppression which the youth of India suffers under our “democratic” Constitution.

The Bill confers on the youth of India the right to work and earn a living. Without removing the scourge of unemployment, there cannot be peace in the country.

The Bill also gives to all those who are eighteen years of age the right to vote and participate in the democratic process.

The adoption and enforcement of this amending Bill will help usher in an era of radiant growth and strengthening of democracy and all round development.

In fine, it constitutes a New Deal to the Indian Youth.

NEW DELHI;
The 18th April, 1977.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for State responsibility for giving employment or payment of subsistence allowance in lieu thereof. Clause 3 provides for lowering the voting age of 18 years, which would involve increased expenditure on elections on various accounts. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India to the tune of about rupees one billion annually.

No non-recurring expenditure is likely to be involved.

BILL No. 46 OF 1977

A Bill further to amend the Cantonments Act, 1924.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Cantonments (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint which shall not be later than 100 days after it receives assent of the President.

Amend-
ment of
section
130.

2. In the Cantonments Act, 1924 (hereinafter referred to as the principal Act), in section 13,—

11 of 1977.

(a) in sub-section (3),—

(i) clauses (b) and (e) shall be omitted;

(ii) in clause (f), for the word “seven”, the word “twelve” shall be substituted;

(b) in sub-section (4),

(1) clause (b) shall be omitted;

(2) for clause (e), the following clause shall be substituted, namely:—

“(e) (i) in cantonments of which the civil population exceeds seven thousand five hundred, ten members to be elected under this Act;

(ii) in cantonments of which the civil population exceeds five thousand, but does not exceed seven thousand five hundred, nine members to be elected under this Act;

(iii) in cantonments of which the civil population exceeds two thousand five hundred, but does not exceed five thousand, eight members to be elected under this Act”;

(3) clause (f) shall be omitted.

(c) in sub-section (5),

(1) clause (b) shall be omitted;

(2) for clause (c), the following clause shall be substituted, namely:—

“(c) (i) in cantonments of which civil population exceeds one thousand five hundred, three members elected under this Act;

(ii) in cantonments of which civil population exceeds one thousand but does not exceed one thousand and five hundred, two members elected under this Act.”

(d) sub-section (6) shall be omitted;

3. Section 14 of the principal Act shall be omitted.

Omission
of section
14.

4. In section 15 of the principal Act, in sub-section (1), for the words “three years”, the words “five years” shall be substituted.

Amend-
ment of
section
15.

5 In section 17 of the principal Act,—

(a) in sub-section (1), for the words “the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected”, the words “a re-election to fill the vacancy or vacancies shall be held” shall be substituted.

Amend-
ment of
section
17.

(b) in sub-section (2), for the words “shall be filled by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command,” the words “shall be filled by the President of the Cantonment Board with the concurrence of the Vice-President,” shall be substituted.

Amend-
ment of
section
19.

6. In section 19 of the principal Act, in sub-section (1), the words "to the Officer Commanding-in-Chief, the Command," shall be omitted.

Amend-
ment of
section
20.

7. In section 20 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The President shall be elected by the members of the Board from amongst its members."

(b) sub-section (2) shall be omitted.

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

"(2) The Vice-President shall be elected by the members of the Board from among its members."

Amend-
ment of
section
21.

8. (1) In section 21 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The term of the office of the President shall be five years or the residue of his term as a member of the Board, whichever is less."

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The term of the office of the Vice-President shall be five years or the residue of his term as a member of the Board, whichever is less."

(c) after sub-section (2), the following new sub-section shall be added, namely:—

"(3) The Vice-President may resign his office by notice in writing to the President and on his resignation being accepted by the Board the office shall be filled by a member of the Board."

Amend-
ment of
section
22.

9. In section 22 of the principal Act, sub-section (4) shall be omitted.

Omission
of section
25.

10. Section 25 of the principal Act shall be omitted

Amend-
ment of
section
39.

11. In section 39 of the principal Act, for sub-section (1) and (1A), the following sub-section shall be substituted, namely:—

"(1) The quorum necessary for the transaction of the business at a meeting of a Board shall be determined in accordance with the rules framed under this Act"

12. In section 40 of the principal Act— (i) in clause (a), the words “in which there is more than one elected member” shall be omitted. (ii) clause (b) shall be omitted.	Amendment of section 40.
13. Section 49 of the principal Act shall be omitted	Omission of section 49.
14. Section 50 of the principal Act shall be omitted.	Omission of section 50.
15. In section 51 of the principal Act, sub-sections (1) and (3) shall be omitted.	Amendment of section 51.
16. In section 52 of the principal Act,— (i) in clause (b) of sub-section (1), for the words “which has been referred to him under sub-section (1) of section 51”, the words “mentioned in sub-section (2) of section 51,” shall be substituted. (ii) in sub-section (2), for the words “When any decision of a Board has been referred to him under sub-section (1) of section 51,” the words “with regard to any decision of a Board mentioned in sub-section (2) of section 51,” shall be substituted.	Amendment of section 52.
17. In section 72 of the principal Act, for the words “at least once in every three years”, the words “at least once in every five years,” shall be substituted.	Amendment of section 72.
18. Section 78 of the principal Act shall be omitted.	Omission of section 78.
19. In section 99A of the principal Act, the words “after having obtained the concurrence of the Board” shall be added at the end.	Amendment of section 99A.
20. In section 101 of the principal Act, in sub-section (1), the words “with the previous sanction of the Officer Commanding-in-Chief, the Command,” shall be omitted.	Amendment of section 101.
21. In section 102 of the principal Act, the proviso shall be omitted.	Amendment of section 102.
22. In section 107 of the principal Act, in sub-section (3), the words “with the previous sanction of the Officer Commanding-in-Chief, the Command,” shall be omitted.	Amendment of section 107.

Amend-
ment of
section
109.

23. In section 109 of the principal Act, clause (d) of the second proviso shall be omitted.

Amend-
ment of
section
134.

24. In section 134 of the principal Act, in sub-section (2), the words "with the previous sanction of the Officer Commanding-in-Chief, the Command," shall be omitted.

Amend-
ment of
section
138.

25. In section 138 of the principal Act, in sub-section (1),—

(i) for clauses (a), (b) and (c), the following clause shall be substituted, namely.—

"(a) the civil area committee of the Cantonment Board,"

(ii) clause (d) shall be re-lettered as clause (b).

Amend-
ment of
section
141

26. In section 141 of the principal Act, in sub-section (1), after the words "the Executive Officer may," the words "with the consent of the Board," shall be inserted.

Omission
of section
178

27. Section 178 of the principal Act shall be omitted.

Amend-
ment of
section
181.

28. In section 181 of the principal Act,—

(a) sub-section (3) shall be omitted;

(b) in sub-section (6), the proviso shall be omitted.

Amend-
ment of
section
184

29. In section 184 of the principal Act, clause (c) shall be omitted.

Amend-
ment of
section
185.

30. In section 185,—

(a) the second proviso to sub-section (1) shall be omitted.

(b) sub-section (2) shall be omitted.

Amend-
ment of
section
192.

31. In section 192 of the principal Act, in sub-section (1), for the words "without the previous sanction of the Officer Commanding-in-Chief, the Command," the words "without the concurrence of the Officer Commanding, the Station" shall be substituted.

Amend-
ment of
section
200.

32. In section 200 of the principal Act, clause (b) of the proviso shall be omitted.

Amend-
ment of
section
242.

33. In section 242 of the principal Act, the words "With the previous sanction of the President," shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Cantonments Act, 1924 is a piece of obsolescent and outdated legislation wholly out of tune with the conditions of freedom and democracy. It is a negation of the principles of local self-government.

The Act packs the Cantonment Boards with nominated military officers and magistrates and unnecessarily restricts the scope of the elective principle. It confers on the officers not only vast powers of an emergency character but also dictatorial powers in normal times. It also gives veto to the Presidents of the Cantonment Boards who are generally the Officers commanding the Stations to thwart the will of the elected majority.

These amendments seek to democratise the administration of the Cantonments by introducing the principle of election and responsibility to the elected representatives of the people. The Bill is designed to give effect to the long overdue changes in the Cantonment administration.

NEW DELHI;

MADHU LIMAYE.

The 18th April, 1977

BILL No. 84 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1977.

Amend-
ment of
article
124.

2 In article 124 of the Constitution, in clause (2), after the first proviso, the following further provisos shall be inserted, namely:—

“Provided further that the senior most Judge of the Supreme Court shall be appointed as the Chief Justice:

Provided further that no one shall be appointed the Chief Justice who has not served for at least two years as a Judge of the Supreme Court:”.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not lay down any procedure for the appointment of the Chief Justice of the Supreme Court, though the Constitution is clear regarding the procedure of the appointment of other Judges of the Supreme Court. Any citizen of India who has been a Judge of a High Court or of two or more such courts for five years or has been an Advocate of a High Court or of two or more such courts for at least ten years and is considered by the President as a distinguished jurist is eligible for such appointment. The appointment of the Chief Justice of the Supreme Court is within the discretionary powers of the President who acts on the advice of the Council of Ministers. It is, therefore, high time that the procedure for the appointment of the Chief Justice of the Supreme Court is laid down.

Hence the Bill.

P. K. DEO

NEW DELHI;

The 29th April, 1977.

BILL NO. 82 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title
Amend-
ment of
article 371.

1. This Act may be called the Constitution (Amendment) Act, 1977.

2. In article 371 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

“(3) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Orissa, provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for the three revenue divisions, i.e., the Northern (Sambalpur) Division, Southern (Berhampur) Division and Central (Cuttack) Division with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over the said areas, subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of State as a whole.”.

STATEMENT OF OBJECTS AND REASONS

A study of the developmental expenditure and availability of educational facilities and employment opportunities in the three revenue divisions of Orissa in the past 29 years reveals that certain areas get preferential treatment from Government at the cost of other areas. As the State has three revenue divisions, allotment of developmental expenditure, educational facilities and employment opportunities under the control of the Government of Orissa should be proportionately available to all parts of the State. Under article 371 of the Constitution, similar provisions have been made in respect of the States of Andhra Pradesh and Maharashtra.

Hence this Bill.

NEW DELHI;

P. K. DEO.

The 29th April, 1977.

BILL No 68 OF 1977

A Bill further to amend the Advocates Act, 1961 with a view to restore the autonomous and democratic structure of the Bar of India.

BE it enacted by Parliament in the Twenty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Advocates (Amendment) Act, 1977.

(2) It shall come into force at once.

25 of 1961

2. In section 3 of the Advocates Act, 1961 (hereinafter referred to as the principal Act),—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.”;

(ii) sub-section (3A) shall be deleted.

Short title
and com-
mence-
ment.
Amend-
ment of
section 3.

**Amend-
ment of
section 4.****3. In section 4 of the Principal Act,—**

(i) in sub-section (1), clause (bb) shall be deleted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.”;

(iii) sub-section (2A) shall be deleted.

**Amend-
ment of
section 15.****4. In section 15 of the principal Act, in sub-section (2),—**

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;”;

(ii) in clause (d), after the word “Bar Council”, the following words shall be inserted, namely:—

“or to the office of the Chairman or Vice-Chairman”.

Saving.

5. Notwithstanding the provisions of this Act, the Chairman and Vice-Chairman of the Bar Council of India and of every State Bar Council shall continue to hold office until the Bar Council elects another Chairman or Vice-Chairman, as the case may be.

STATEMENT OF OBJECTS AND REASONS

The Advocates Act, 1961 created an autonomous Bar, totally independent of Government. Members of the State Councils as well as the Bar Council of India were required to be elected by the Bar, so also every Chairman and Vice-Chairman. The Act embodied the strongly voiced demands of the Bar supported by long and scholarly study by the Law Commission of India.

When the Constitution was being distorted to destroy democracy and institutionalise dictatorship, the Bar of the country rose to the occasion and put up fierce resistance in accordance with the highest traditions of the Bar.

The forces of dictatorship struck at the independence of the Bar, taking advantage of the emergency and a Parliament depleted of sturdy fighters for democracy. The Advocates Act was hurriedly amended. One of the changes made was to impose non-elected *ex officio* Chairmen and Vice-Chairmen on the Bar Councils of the country.

In accordance with the recent electoral mandate, the Bar has now to be restored to its original glory. This Bill seeks to do exactly that in some measure.

NEW DELHI;

The 10th June, 1977.

RAM JETHMALANI

BILL No. 87 OF 1977

A Bill to further amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1977.

Amend-
ment
of section
8A.

2. In section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954, in sub-section (1),—

30 of 1954.

(a) for the words “three hundred”, the words “five hundred” shall be substituted;

(b) for the words “five years”, the word “twenty years” shall be substituted;

(c) for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that the person or his dependents (children) do not have a monthly income of one thousand rupees or more.”.

STATEMENT OF OBJECTS AND REASONS

By the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, a Member after retirement has become entitled for a pension of Rs. 300 or Rs. 500 as the case may be. After passing this Bill a feeling has been created among the people of this country that old Maharajas have vanished and their Privy Purses abolished while new Maharajas (Ex-M.Ps) have been created and life long pensions (Privy Purse) have been sanctioned.

2. People of this country are justified in getting such feelings. Before Privy Purses were abolished in the year 1970, the total Privy Purse last paid was Rs 4,78,40,000/- as per Budget estimate of 1970-71. If the Privy Purse was continued by now it would have been reduced to about one crore rupees. And as per the estimation in the Salaries and Allowances of Members of Parliament (Amendment) Bill, 1976 (Bill No. 90 of 1976) an amount of one crore rupees was required. The Privy Purse to be paid was reducing while pension to Members of Parliament will be increasing, thus there will be great burden on Government funds.

3. There is no justification for Ex-M.Ps to take pension at any stretch of imagination. By such act people of this country will lose confidence in Members of Parliament, thus they may lose confidence in Parliamentary democracy itself.

4. Members of Parliament, who have served more than 20 years and are finding financial difficulty in their old age, may be paid a pension of Rs. 500/- per month.

5. The opportunity is being taken to amend this act to save more than one crore rupees by not paying pension to ex-M.Ps, which is great injustice in utilisation of Government Funds by the Parliament. At the same time, pension provision for Members of Parliament who have served more than 20 years and are in financial difficulties has been sought to be made.

Hence this Bill.

NEW DELHI;
The 16th June, 1977.

G. NARSIMHA REDDY.

BILL NO. 80 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows.—

Short
title
and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion
of new
article
140A.

2. After article 140 of the Constitution, the following article shall be inserted:—

“140A. The Supreme Court shall have superintendence over all the High Courts, Judicial Commissioners’ Courts and tribunals throughout the territory of India.”.

STATEMENT OF OBJECTS AND REASONS

The existing provisions of the Constitution do not confer the power of superintendence over the High Courts and tribunals functioning in the country. Supreme Court declares law for the country which is binding on all the Courts. It is highly desirable that it should also have superintending powers over the High Courts. The conferment of such powers would enable the Honourable Judges of the Supreme Court to undertake inspections of the High Courts. It is needless to say that these inspections would be of great advantage and would lead to greater efficiency in the administration of justice. Such inspections would also provide opportunities to assess merit and suitability of High Court Judges for promotion to the Supreme Court.

Hence the Bill.

NEW DELHI;
The 17th June, 1977.

OM PRAKASH TYAGI.

BILL No. 79 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
335.

2. In article 335 of the Constitution, the words “consistently with the maintenance of efficiency of administration” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Many a time it is argued that the provisions of article 335 of the Constitution are directory in character. No doubt this article is one of the facets of article 46, which is one of the Directive Principles of State Policy enumerated in Part IV of the Constitution. At one stage the opinion of the Attorney-General was sought and he was of the view that the provisions of article 335 were directory and not mandatory in character. On the other hand Justice Subba Rao of the Supreme Court in one of his judgments opined that article 335 contained a mandatory direction given to the State to take the claims of Scheduled Castes and Scheduled Tribes into consideration in the matter of making of appointments to services and posts. [(1947) 4 SCR 680].

The words "consistently with the maintenance of efficiency of administration" occurring in article 335 have been interpreted by the appointing authorities for shutting out the claims of Scheduled Castes and Scheduled Tribes candidates for appointment to services under the Government. The national policy is to ensure that these classes of citizens whom the society has not given fair treatment for centuries should get justice, and proper consideration has to be given effect to. In order to achieve this objective, it is necessary to amend article 335 of the Constitution as has been suggested in this Bill.

NEW DELHI;

The 17th June, 1977.

OM PRAKASH TYAGI

BILL NO. 78 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
222.

2. For clause (1) of article 222 of the Constitution, the following clause shall be substituted, namely:—

“(1) After every term of five years, or sooner, if necessary, every Judge of the High Court of a State, including Chief Justice of the High Court of the State, shall be transferred by the President, in consultation with the Chief Justice of India, from one High Court to any other High Court.”.

STATEMENT OF OBJECTS AND REASONS

At present a person appointed as a Judge of a High Court continues to work in the same High Court till he attains the age of retirement unless he is elevated to the Supreme Court. This method cannot be considered as satisfactory and it would be in the fitness of things if a compulsory provision for transfer of High Court Judges after every term of five years or earlier, if necessary, is made. This provision would ensure and strengthen the Judicial independence which is absolutely necessary for enforcing the Rule of Law. The existing clause (1) of article 222 does not fulfil this requirement.

Hence this Bill.

NEW DELHI;

OM PRAKASH TYAGI

The 20th June, 1977.

BILL No. 81 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
Seventh
Schedule.

2. In the Seventh Schedule to the Constitution,—

(a) in List II—State List, entry 4 shall be omitted;

(b) in List III—Concurrent List, after entry 4, the following entry shall be inserted, namely:—

“4A. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.”.

STATEMENT OF OBJECTS AND REASONS

The country is facing difficult social problems and the need of the hour is to undertake various steps in the field of prevention of crime and treatment meted out to the offenders. For this, progressive prison reforms are to be undertaken. Experience has shown that uniform policies could not be undertaken as the subject of prisons and allied institutions is in the State List of the Seventh Schedule to the Constitution.

It is, therefore, felt that an amendment of the Constitution is essential to include the said subject in the Concurrent List so that necessary legislation could be enacted by Parliament for uniform application throughout the country.

Hence the Bill.

OM PRAKASH TYAGI

NEW DELHI;

The 20th June, 1977.

BILL No. 86 OF 1977

A Bill to provide for observing the birthday of Netaji Subhas Chandra Bose as national holiday.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title
and
commen-
cement.

1. (1) This Act may be called the National Holiday on Netaji Subhas Chandra Bose's Birthday Act, 1977.

(2) It shall be given effect to before the next birthday of Netaji Subhas Chandra Bose.

Birthday
to be
national
holiday.

2. Every year 23rd January, the birthday of Netaji Subhas Chandra Bose, shall be observed as national holiday for the whole of India.

STATEMENT OF OBJECTS AND REASONS

The people of India universally acclaimed Netaji Subhas Chandra Bose as the greatest hero of Indian National Revolution. Indian freedom became a reality out of the conflux of the peaceful non-violent movement led by Mahatma Gandhi and revolutionary armed struggle commanded by Netaji Subhas Chandra Bose. These two great leaders made two fundamental contributions, divergent in nature though towards the philosophy, technique and strategy of struggle for Indian freedom. For reasons of contemporary political prejudice against Netaji Subhas Chandra Bose, the historic role played by him in the freedom struggle of India has not been given official recognition by the earlier Congress Government. It is high time that the Janata Government should take steps to fulfil our national duty towards Netaji and as a token of it, 23rd January, every year, should be observed as national holiday by the Government. West Bengal Government observes the day as a holiday for the State.

Hence this Bill.

NEW DELHI;
The 20th June, 1977.

SAMAR GUHA.

BILL No. 83 OF 1977

A Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1977.

Amend-
ment of
long title.

2. In the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in the long title, for the words "Salary, Allowances and Pension" the words "Salary and Allowances" shall be substituted.

30 of 1954.

Amend-
ment of
section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words "Salary, Allowances and Pension", the words "Salary and Allowances" shall be substituted.

Omission
of sec-
tion 8A.

4. Section 8A of the principal Act is hereby omitted.

STATEMENT OF OBJECTS AND REASONS

Insertion of section 8A in the Salaries and Allowances of Members of Parliament Act, 1954 with a view to provide for payment of pensions to the Members of Parliament was a retrograde step. The Bill seeks to do away with that retrograde provision.

NEW DELHI;
The 20th June, 1977.

R. D. GATTANI.

BILL No 85 OF 1977

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1977.

(2) It shall come into force atonce, or on such date retrospectively or otherwise as the Central Government may, by notification in the Official Gazette, appoint.

Short
title
and
commence-
ment.

2. After section 7 of the Representation of the People Act, 1951, the following new section shall be inserted, namely:—

“7A. A person shall be disqualified for being chosen as, and for being, a member of the House of the People or the Legislative Assembly of a State, if his action or conduct as a Minister has caused loss to the Union or State Exchequer or he has been found guilty by a court of law or a commission of inquiry of any kind of corrupt practice, as the case may be.”.

Insertion
of new
section
7A

Disquali-
fication
for
causing
loss to
the
Exchequer
in his
conduct
as a
Minister
or if
found
guilty of
corrupt
practice

STATEMENT OF OBJECTS AND REASONS

The recommendations made by the Mudhokar Commission need careful consideration because of their intrinsic merit in as much as they have been made in order to ensure high standards of rectitude in public service. To achieve this aim it is necessary to introduce a provision to disqualify a person for being a member of the House of the People or Legislative Assembly of a State in case the said member during his tenure as a Minister is held to have caused loss to the Union or the State Exchequer by his act and conduct or had been found guilty by a court of law or a commission of inquiry of any kind of corrupt practice. Such a provision would go a long way to eliminate instances of abuse of power, arbitrary action and favouritism. With this object in view necessary amendments are desirable in the Representation of the People Act, 1951.

Hence the Bill.

OM PRAKASH TYAGI

NEW DELHI;

The 27th June, 1977.

AVTAR SINGH RIKHY,
Secretary.